

PRENTICE MARSHALL,
Petitioner,
v.
CALVIN JOHNSON, et al.
Respondents.

Order Dismissing Action

[ECF No. 3]

Petitioner Prentice Marshall had submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, but he did not submit an application to proceed in forma pauperis, nor did he pay the filing fee of \$5.00.¹ I ordered Marshall either to file an application to proceed in forma pauperis or to pay the filing fee.² Marshall has done neither within the allotted time, and I will dismiss the action. The dismissal will be without prejudice, but I make no statement about the timeliness or procedural bars of any subsequently commenced habeas corpus action.

Reasonable jurists would not find my determination to be debatable or wrong, and I will not issue a certificate of appealability.

IT THEREFORE IS ORDERED that this action is **DISMISSED** without prejudice for petitioner's failure to comply with the court's order (ECF No. 3). The clerk of the court is directed to enter judgment accordingly and to close this action.

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¹ ECF No. 1.

² ECF No. 3.

1 IT FURTHER IS ORDERED that a certificate of appealability will not
2 issue.

3 DATED: February 8, 2022

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5 ANDREW P. GORDON
6 UNITED STATES DISTRICT JUDGE
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